

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: DAUNER, Michael; SCHAUB, Jochen
Serial No.: 10/598,377
Filed: June 22, 2007
Title: METHOD AND DEVICE FOR THERMAL CONDITIONING OF A CELL
Group: 1657
Examiner: LILLING, Herbert J.
Attorney Ref.: PAT 62246W-2 US

October 15, 2008

Mail Stop Amendment
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia
22314-1450
U.S.A.

Dear Sir:

RESPONSE TO THE ELECTION/RESTRICTION REQUIREMENT

This correspondence is in response to the Office Action dated September 15, 2008.

The Examiner requests restriction to the claims to one of Groups I and II. The Applicant hereby elects to restrict to Group I (claims 1-15). Claims 16-21 are cancelled.

The Examiner requests election of species of groups A(a) to A(e). The Applicant hereby elects species A(a) directed to the thermal conditioning of a cell of claim 1, with traverse. The Examiner's statement that the claims 1, 12, 13, and 14 are mutually exclusive is not understood as claims 12, 13, and 14 all include all the steps of claim 1. Furthermore, the Applicant believes it would *not* be an undue burden on the Examiner to examine all the methods claimed. The claims that encompass the elected species include claims 1 to 11.

The Examiner further requests an election of species B(a) to B(p) for the "component material". The Applicant hereby elects species B(a) directed to amino acids and their derivatives, with traverse. The division of metabolites into several components is not

understood. Furthermore, the Applicant believes it would *not* be an undue burden on the Examiner to examine all component materials. The claims that encompass the elected species include claims 12 to 15.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. **The Commissioner is authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.**

Respectfully submitted,

DAUNER, Michael, et al

By: /Gail C. Silver/

Gail C. Silver

Reg. No. 47,945

Borden Ladner Gervais LLP

World Exchange Plaza

100 Queen Street, Suite 1100

Ottawa, ON K1P 1J9

CANADA

Tel: (613) 237-5160

Fax: (613) 787-3558

E-mail: ipinfo@blgcanada.com

GCS/mjd